IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**WRIT PETITION NO.9177 OF 2004**

Shailesh Chandrakant Choulkar ).. Petitioner

Versus

State of Maharashtra and others ).. Respondents

Mr.R.K.Mendadkar for the Petitioner.

Mr.C.R.Sonawane, A.G.P., for Respondent Nos.1, 2 & 5.

Mr.G.S.Hegde for Respondent Nos.3 and 4.

**CORAM: H.L. GOKHALE AND**
**S.P. KUKDAY, JJ.**

**DATED: 16TH JUNE 2005**

**P.C.:**

. Heard Mr. Mendadkar in support of this Petition. Mr.Sonawane, A.G.P., appears for Respondent Nos.1, 2 and 5 and Mr.Hegde for Respondent Nos.3 and 4.

2. Rule. Rule made returnable forthwith.

3. Amongst other submissions, the contention of the Petitioner is that he was not afforded proper hearing before the Committee. Mr.Mendadkar draws our attention to paragraph 3 of the impugned order. As far as merits are concerned, Mr.Hegde and Mr.Sonawane, both have many things to say to support the order passed by the Committee. However, as far as the hearing part is

concerned, they leave it to Court to pass appropriate order. The submission of Mr.Mendadkar is that the documents at pages 24 and 25 i.e. the two lists which are included in the order of the Committee, were not made available to the Petitioner.

4. In the circumstances, we interfere with the impugned order only on the ground that hearing was not afforded to the Petitioner. The Petitioner will be furnished copies of these documents and will be heard at the earliest. We expect the Committee to afford hearing and take the decision by the end of December 2005. Needless to state that if the decision is adverse to the Petitioner, the same will not be acted upon by the State Transport Corporation for a period of six weeks after the same is served on the Petitioner.

5. The Petitioner will appear before the Committee on Monday, the 4th July 2005 and will remain present as and when required by the Committee.

6. Rule made absolute as above though without any order as to costs.

**(H.L. GOKHALE, J.)**

**(S.P. KUKDAY, J.)**